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10/534,627	01/03/2006	Steven David Lavine	TRAN.P0001	8549

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EXAMINER
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COLAN, GIOVANNA B

ART UNIT	PAPER NUMBER
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2162

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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/534,627

Applicant(s)

LAVINE, STEVEN DAVID

Examiner

Giovanna Colan

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-23 and 59-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-23, 59-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is issued in response to applicant filed request for continued examination (RCE) on 11/01/2007.
2. Claims 1 – 2, 4 – 8, 9 – 11, 13, and 18 - 22 have been amended. Claims 59 – 67 were added. Claims 17, and 24 – 58 were canceled.
3. Claims 1 – 16, 18 – 23, and 59 – 67 are pending in this application.
4. Applicant's arguments with respect to amended claims 1 – 2, 4 – 8, 9 – 11, 13, and 18 - 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide proper antecedent basis for “record relationship information indicating...” recited in claims 1, 6, and 13, lines 12, 7, and 15; respectively. It fails to provide proper antecedent basis for “query relationship information indicating ...” recited in claims 1, 6, and 13, lines 19, 15, and 23; respectively. Also, it fails to provide proper antecedent basis for “sub-category relationships” recited in claims 1, 6, and 13, lines 13, 7, and 15; respectively. The term “maximum relevance value”, and “sub-maximum relevance value” in newly added claims 60, 63, and 66 have not antecedent basis provided by the specification.

***Claim Rejections - 35 USC § 112***

7. Claim 1 – 16, 18 – 23, and 59 – 67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite: “record relationship information” (claims 1, 6, and 13, lines 12, 7, and 15; respectively), and “query relationship information” (in claims 1, 6, and 13, lines 19, 15, and 23; respectively). However, the specification of the disclosure does not describe the

limitations including: "record relationship information" and "query relationship information" in sufficient detail that one skilled in the art reasonably conclude that the inventor has possession of the claimed invention.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Talib et al. (Talib hereinafter) (US 2001/0049677 A1).

Regarding Claims 1, and 6, Talib discloses a system for searching a content database stored in computer storage, the content database including a plurality of records each containing multiple field types within a set of field types, the system comprising:

a structure database in computer storage in which the set of field types are organized into a plurality of categories and zero or more sub-categories, each category having zero or more subcategories, the structure database containing (Page 4 and 17, [0045] and [0202], lines 8 – 13 and 3 – 11; wherein the taxonomies correspond to the set of field types claimed; respectively, Talib), for each record, record relationship

information indicating categories and sub-categories of the multiple field types of the record and category and sub-category relationships of the multiple field types of the record (Page 12 and 15, [0151] and [0183], Talib);

a receiver for receiving a search query comprising a selection of multiple field types within the set of field types (Page 4, [0046], lines 16 – 20, Talib);

a determining device for determining query relationship information indicating categories and sub-categories of the multiple field types of the search query and categories and sub-category relationships of the multiple field types of the search query (Page 9 and 11, [0117] and [0149], Talib);

a correlation device for performing a correlation between the query relationship information, and the record relationship information, for one or more records to produce a relevance value for each of the one or more records (Page 9 and 10, [0117] and [0122], "...These links reference each document in index 905 that contains these words and phrases", and "...the search term is "sail." The present invention queries term index 910 and determines that 158 documents in the document archive have the word "sail" within them."; respectively, Talib and further see Page 10, [0125], "The system responds by providing a list of all 24,832 articles that are associated with the search term "sail"...", Talib); and

a response unit for responding to the query by selecting and providing information from records in the content database based upon the relevance values for the one or more records (Page 10, [0126], "The system responds by cross-matching the

24,832 documents against the categories ...the system generates a document archive of these 24,832 documents as organized by continent..."; Talib).

Regarding Claims 2, and 7, Talib discloses a system, wherein the correlation device performs a correlation for a record by correlating each of the two or more categories in the search query with a corresponding category in the record to produce a relevance value for a category, and determining the relevance value of record based on the relevance values determined for the two or more categories in the search query (Page 10, [0126] and [0133], Talib).

Regarding Claims 3, and 8, Talib discloses a system wherein the correlation device performs a different operation for two categories that have different data structures (Page 10, [0133] and [0134], Talib).

Regarding Claims 4, and 9, Talib discloses a system wherein the correlation device includes a component which assigns a weight to a sub-category in a record depending on whether that sub-category is present in the search query, and the correlation device uses the assigned weight in performing the correlation (Page 14, [0175], Talib).

Regarding Claims 5, and 10, Talib discloses a system wherein:

The sub-categories of a category are structured in at least one sub-level based upon a relationship between the field types in the sub-categories (Page 10, [0132] and [0133], Talib); and

the correlation device includes a component which assigns a weight to a sub-category in a record depending upon its level, and the correlation unit uses the assigned weight in performing the correlation (Page 14, [0175], Talib).

Regarding Claim 11, Talib discloses a system provided with access to a network, the content database being accessible from the network, the receiver and response unit communicating over the network (Page 7, [0083], Talib).

Regarding Claim 12, Talib discloses a system wherein the content database is accessed through the network (Page 7, [0087], Talib).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



11. Claims 13 – 16, and 18 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginn (US Patent No. 6,275,811, issued: August 14, 2001), in view of Knepfle et al. (Knepfle hereinafter) (PCT WO 01/61601 A1, international publication date: August 23, 2001), and further in view of Talib et al. (Talib hereinafter) (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001).

Regarding Claim 13, Ginn discloses an online user forum of the type permitting communication among a plurality of users and also permitting users to post information content for access by users, the improvement comprising

a reputation module storing a reputation rating for a user in association with information content (Col. 9, lines 65 – 67, “One variation is to track the reputation of individual authors, and assign further writings from those authors a preliminary rating based upon that reputation.”, Ginn).

However, Ginn is silent with respect to a user’s reputation being a function of the degree of his participation in the forum. On the other hand, Knepfle discloses a user’s reputation being a function of the degree of his participation in the forum (Page 2, “Feedback ratings provide a good mechanism for indicating a level of indicating a user’s trustworthiness or past participation within an electronic commerce forum ...”, Knepfle). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Knepfle’s teachings to the system Ginn. Skilled artisan would have been motivated to do so, as suggested by Knepfle (Page 2, Knepfle), to provide a good mechanism for indicating a level of user’s trustworthiness. In addition,

both of the references (Ginn and Knepfle) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, and ratings. This close relation between both of the references highly suggests an expectation of success.

The combination of Ginn in view of Knepfle discloses all the limitation as discussed above. However, the combination of Ginn in view of Knepfle does not explicitly disclose: said reputation module being included within a system for searching a content database. On the other hand, Talib discloses system for searching a content database stored in computer storage, the content database including a plurality of records each containing multiple field types within a set of field types of information (Page 4 and 17, [0045] and [0202], lines 8 – 13 and 3 – 11; wherein the taxonomies correspond to the set of field types claimed; respectively, Talib), the method comprising:

a structure database in computer storage in which the set of field types are organized into a plurality of categories and zero or more sub-categories, each category having zero or more subcategories, the structure database containing (Page 4 and 17, [0045] and [0202], lines 8 – 13 and 3 – 11; wherein the taxonomies correspond to the set of field types claimed; respectively, Talib), for each record, record relationship information indicating categories and sub-categories of the multiple field types of the record and category and sub-category relationships of the multiple field types of the record (Page 12 and 15, [0151] and [0183], Talib);

a receiver for receiving a search query comprising a selection of multiple field types within the set of field types (Page 4, [0046], lines 16 – 20, Talib);

a determining device for determining query relationship information indicating categories and sub-categories of the multiple field types of the search query and categories and sub-category relationships of the multiple field types of the search query (Page 9 and 11, [0117] and [0149], Talib);

a correlation device for performing a correlation between the query relationship information, and the record relationship information, for one or more records to produce a relevance value for each of the one or more records (Page 9 and 10, [0117] and [0122], "...These links reference each document in index 905 that contains these words and phrases", and "...the search term is "sail." The present invention queries term index 910 and determines that 158 documents in the document archive have the word "sail" within them."; respectively, Talib and further see Page 10, [0125], "The system responds by providing a list of all 24,832 articles that are associated with the search term "sail"...", Talib); and

a response unit for responding to the query by selecting and providing information from records in the content database based upon the relevance values for the one or more records (Page 10, [0126], "The system responds by cross-matching the 24,832 documents against the categories ...the system generates a document archive of these 24,832 documents as organized by continent..."; Talib).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Talib's teachings to the system of the combination of Ginn in view of Knepfle. Skilled artisan would have been motivated to do so, as suggested by Talib (Page 3, [0038], Talib), to provide a multiple-taxonomy,

multiple-category search engine that allows users to search for documents, where the user is allowed to toggle among the multiple taxonomies as an aid to locating desired documents without constraints.

Regarding Claim 14, the combination of Ginn in view of Knepfle and further in view of Talib (Ginn/Knepfle/Talib hereinafter) discloses a forum wherein the reputation module is constructed so that a first user's reputation rating is dependent upon the evaluation by other users of the information posted by the first user (Col. 2, and 3, lines 59 – 62, and 1 – 3; respectively, Ginn).

Regarding Claim 15, Ginn/Knepfle/Talib discloses a forum wherein the reputation module is constructed so that a first user's reputation rating is dependent upon his evaluation of information posted by other users (Col. 2, and 3, lines 59 – 62, and 1 – 3; respectively, Ginn).

Regarding Claim 16, Ginn/Knepfle/Talib discloses a forum wherein the reputation module is constructed so that a first user's reputation rating is dependent more the evaluation by other users of the information posted by the first user than upon the first user's evaluation of information posted by other users (Col. 2, and 3, lines 59 – 62, and 1 – 3; respectively, Ginn).

Regarding Claim 18, Ginn/Knepfle/Talib discloses a forum, wherein the correlation device performs a correlation for a record by correlating each of the two or more categories in the search query with a corresponding category in the record to produce a relevance value for a category, and determining the relevance value of record based on the relevance values determined for the two or more categories in the search query (Page 10, [0126] and [0133], Talib).

Regarding Claim 19, Ginn/Knepfle/Talib discloses a forum wherein the correlation device performs a different operation for two categories that have different data structures (Page 10, [0133] and [0134], Talib).

Regarding Claim 20, Ginn/Knepfle/Talib discloses a forum wherein the correlation device includes a component which assigns a weight to a sub-category in a record depending on whether that sub-category is present in the search query, and the correlation device uses the assigned weight in performing the correlation (Page 14, [0175], Talib).

Regarding Claim 21, Ginn/Knepfle/Talib discloses a forum wherein:  
the sub-categories of a category are structured in at least one sub-level based upon a relationship between the field types in the sub-categories (Page 10, [0132] and [0133], Talib); and

the correlation device includes a component which assigns a weight to a sub-category in a record depending upon its level, and the correlation unit uses the assigned weight in performing the correlation (Page 14, [0175], Talib).

Regarding Claim 22, Ginn/Knepfle/Talib discloses a system provided with access to a network, the content database being accessible from the network, the receiver and response unit communicating over the network (Page 7, [0083], Talib).

Regarding Claim 23, Ginn/Knepfle/Talib discloses a system wherein the content database is accessed through the network (Page 7, [0087], Talib).

12. Claims 59 – 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talib et al. (Talib hereinafter) (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001) in view of Kelly Wical (Wical hereinafter) (US 5,953,718, issued: September 14, 1999).

Regarding Claim 59, Talib discloses all the limitations as discussed above. However, Talib does not expressly disclose a degree of similarity between the categories and sub-categories of the search query and the categories and sub-categories of the record. Wical discloses: the relevance value for a record indicates a degree of similarity between the categories and sub-categories of the search query and the categories and sub-categories of the record (Fig. 6, Col. 17, lines 58 – 65, Wical). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Wical's teachings to the system of Talib. Skilled artisan would have been motivated to do so, as suggested by Wical (Col. 2, lines 5 – 9 and 44 – 47, Wical), to infer topics from documents in a search and retrieval system in order to truly compare the content of documents with a query term; and identify the themes for a document, and classify the documents, including themes identified for the documents, in categories of the knowledge base.

Regarding Claim 60, the combination of Talib in view of Wical (Talib/Wical hereinafter) discloses a method, wherein:

a maximum relevance value for a record indicates that all categories and sub-categories of the search query, are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 8 – 18, Wical); and

a sub-maximum relevance value for a record indicates that some but not all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 19 – 27, Wical).

Regarding Claim 61, Talib/Wical discloses a method, wherein a relevance value for at least one record indicates that some but not all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 17, lines 19 – 27, Wical).

Regarding Claim 62, Talib/Wical discloses a system, wherein the relevance value for a record indicates a degree of similarity between the categories and sub-categories of the search query and the categories and sub-categories of the record (Fig. 6, Col. 18, lines 8 – 18, Wical).

Regarding Claim 63, Talib/Wical discloses a system, wherein:

a maximum relevance value for a record indicates that all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 8 – 18, Wical); and

a sub-maximum relevance value for a record indicates that some but not all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 19 – 27, Wical).

Regarding Claim 64, Talib/Wical discloses a system of claim 6, wherein a relevance value for at least one record indicates that some but not all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 19 – 27, Wical).

13. Claims 65 – 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginn (US Patent No. 6,275,811, issued: August 14, 2001), in view of Knepfle et al. (Knepfle hereinafter) (PCT WO 01/61601 A1, international publication date: August 23,



2001), in view of Talib et al. (Talib hereinafter) (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001), and further in view of Kelly Wical (Wical hereinafter) (US 5,953,718, issued: September 14, 1999).

Regarding Claim 65, Ginn/Knepfle/Talib discloses all the limitations as discussed above. However, Ginn/Knepfle/Talib does not expressly disclose: a degree of similarity between the categories and sub-categories of the search query and the categories and sub-categories of the record. Wical discloses: the relevance value for a record indicates a degree of similarity between the categories and sub-categories of the search query and the categories and sub-categories of the record (Fig. 6, Col. 17, lines 58 – 65, Wical). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Wical's teachings to the system of Ginn/Knepfle/Talib. Skilled artisan would have been motivated to do so, as suggested by Wical (Col. 2, lines 5 – 9 and 44 – 47, Wical), to infer topics from documents in a search and retrieval system in order to truly compare the content of documents with a query term; and identify the themes for a document, and classify the documents, including themes identified for the documents, in categories of the knowledge base.

Regarding Claim 66, the combination of Ginn in view of Knepfle in view of Talib and further in view of Wical (Ginn/Knepfle/Talib/Wical hereinafter) discloses a forum, wherein:

a maximum relevance value for a record indicates that all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 8 – 18, Wical); and

a sub-maximum relevance value for a record indicates that some but not all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 19 – 27, Wical).

Regarding Claim 67, Ginn/Knepfle/Talib/Wical discloses a forum, wherein a relevance value for at least one record indicates that some but not all categories and sub-categories of the search query are found in the categories and sub-categories of the record (Fig. 6, Col. 18, lines 19 – 27, Wical).

#### ***Prior Art Made Of Record***

1. Ginn (US Patent No. 6,275,811, issued: August 14, 2001).
2. Knepfle et al. (PCT WO 01/61601 A1, international publication date: August 23, 2001).
3. Snow et al. (US Patent No. 6,098,066, issued: August 1, 2000).
4. Talib et al. (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001).
5. Kelly Wical (US 5,953,718, issued: September 14, 1999).

***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan  
Examiner  
Art Unit 2162  
January 16, 2008

*in #1-11-08  
San Jose, CA  
Patent Examiner  
JC 2162*